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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/395,455	09/14/1999	ANDREW SARKISIAN	199-1135	6058

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EXAMINER

BACHNER, REBECCA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/395,455

Applicant(s)

SARKISIAN ET AL.

Examiner

Rebecca M Bachner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10,13-21,23,26-31 and 33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-8,10,13-21,23,26-31 and 33 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Final Office Action in response to the communication received on May 28, 2002. Claims 1-8, 10, 13-21, 23, 26-31, 33 are still pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 7-8, 13-16, 18, 20-21, 28-29 are rejected under 35 U.S.C. 102(a) as being anticipated by Frost.

(Amended) As per claim 1, Frost discloses a method of developing product characteristics for a new product comprising the steps of: generating a plurality of product attributes (see column 3, lines 19-45, a plurality of product attributes are generated);

classifying each of said attributes (see column 4, lines 34-53, the final attributes are classified into groups);

generating a preferred product brand position as a function of said product attributes identifying a competitive set of products, and associating each of said product attributes with a preferred competitive level with respect to said competitive set (see

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column 3, lines 44-45, and column 8, lines 11-25, a preferred product brand position is generated by the attributes; also see column 4, lines 45-50, and column 6, lines 45-62, the attributes refer to competing products, a preference is expressed for one item relative to another which gives the items a competitive level with respect to another).

generating target product characteristics as a function of said classified product attributes and said preferred product brand position, said target product characteristics representing customer-driven objectives for each of said plurality of product attributes to be incorporated into said new product (see column 3, lines 34-45, and column 6, lines 45-54, the product's characteristics are a function of its attributes and preferred brand, the characteristics represent customer-driven objectives for a plurality of product attributes; the purpose of the attributes is to determine what characteristics should be incorporated into the new products).

As per claim 2, Frost discloses all the limitations of a method as recited in claim 1 wherein the step of generating a plurality of product attributes comprises the steps of providing a plurality of summary attributes and a clarifying definition for each of said summary attributes, said clarifying definition providing a relationship between each of said product attributes and the type of product under development (see column 3, lines 35-45, and column 7, lines 29-54, there are a plurality of product attributes, the product attributes have a relationship with every product under development, attributes are used to describe characteristics of a product).

As per claim 3, Frost discloses all the limitations of a method as recited in claim 1 wherein the step of generating a plurality of product attributes includes the step of providing a detailed definition for each of said product attributes, each of said detailed definitions providing a context for each attribute as it relates to the product under development (see column 3, lines 34-45, the attributes are divided into two categories: rational descriptors, emotional descriptors which include stereotypes and personality, these attributes are used to describe the product under development).

As per claim 5, Frost discloses all the limitations of a method as recited in claim 1 further comprising the step of ranking each of said product attributes (see column 4, lines 45-48, the attributes are ranked by showing preference for certain attributes).

As per claim 7, Frost discloses all the limitations of the method as recited in claim 1 further comprising the step of generating a primary brand position as a function of said product attributes (see column 3, lines 44-45, and column 8, lines 11-25, a primary brand position is generated by the product attributes).

As per claim 8, Frost discloses all the limitations of the method as recited in claim 1 further comprising the step of generating a present product brand position as a function of said product attributes (see column 3, lines 44-45, and column 8, lines 11-25, a product brand position is generated by the product attributes).

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(Amended) As per claim 13, Frost discloses all the limitations of the method of developing product characteristics for a new automotive vehicle comprising the steps of: generating a plurality of vehicle attributes, said plurality including at least attributes from each of the following groups of vehicle characteristics: usage experience, driving experience, and design (see column 3, lines 19-45, a plurality of product attributes are generated);

generating a preferred vehicle brand position as a function of said vehicle attributes including identifying a competitive set of products, and associating each of said product attributes with a preferred competitive level with respect to said competitive set (see column 3, lines 44-45, and column 8, lines 11-25, a preferred product brand position is generated by the attributes; also see column 4, lines 45-50, and column 6, lines 45-62, the attributes refer to competing products, a preference is expressed for one item relative to another which gives the items a competitive level with respect to another); and

generating target vehicle characteristics as a function of said vehicle attributes and said preferred vehicle brand position, said target vehicle characteristics representing customer-driven objectives for each of said plurality of vehicle attributes to be incorporated into said new automotive vehicle (see column 3, lines 34-45, and column 6, lines 45-54, the product's characteristics are a function of its attributes and preferred brand, the characteristics represent customer-driven objectives for a plurality of product attributes; the purpose of the attributes is to determine what characteristics should be incorporated into the new vehicle).

As per claim 14, Frost discloses all the limitations of the method as recited in claim 13 wherein the step of generating a plurality of vehicle attributes comprises the steps of providing a plurality of summary attributes and a clarifying definition for each of said summary attributes said clarifying definition providing further detail relating each of said vehicle attributes to a vehicle characteristic (see column 3, lines 35-45, and column 7, lines 29-54, there are a plurality of attributes, vehicle attributes are used to describe characteristics of a vehicle).

As per claim 15, Frost discloses all the limitations of the method as recited in claim 13 wherein the step of generating a plurality of vehicle attributes includes the step of providing a detailed definition for each of said vehicle attributes each of said detailed definitions providing a context for each attribute as it relates to the vehicle under development (see column 3, lines 34-45, the attributes are divided into two categories: rational descriptors, emotional descriptors which include stereotypes and personality, these attributes are used to describe the vehicle under development).

As per claim 16, Frost discloses all the limitations of the method as recited in claim 13 further comprising the step of classifying each of said vehicle attributes (see column 4, lines 34-53, the attributes are classified into groups).

As per claim 18, Frost discloses all the limitations of the method as recited in claim 13 further comprising the step of ranking each of said vehicle attributes (see column 4, lines 45-48, the attributes are ranked by the user by showing preference for certain attributes).

As per claim 20, Frost discloses all the limitations of the method as recited in claim 13 further comprising the step of generating a primary brand position as a function of said vehicle attributes (see column 3, lines 44-45, and column 8, lines 11-25, a primary brand position is generated by the attributes).

As per claim 21, Frost discloses all the limitations of the method as recited in claim 13 further comprising the step of generating a present product brand position as a function of said vehicle attributes (see column 3, lines 44-45, and column 8, lines 11-25, a product brand position is generated by the attributes).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 6, 17, 19, 23, and 26-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost.

As per claim 4, Frost discloses all the limitations of a method as recited in claim 1 and the step of classifying attributes and using attributes to represent different characteristics of the product (see column 3, lines 35-45, the attributes about the product are from the two different groups: rational descriptors and emotional descriptors, which include stereotype and personality descriptors, a primary brand position is generated by the product attributes). However, Frost does not explicitly teach placing the attribute in one of three classes wherein said first class represents attributes which differentiate the product from competing products, said second class represents important attributes, but which do not differentiate the new product from competing products, and said third class represents otherwise desirable product attributes. It would be obvious to one of ordinary skill in the art to create classes that represent the different attributes in the above manner as it explicitly separates the product, based on its attributes, from its competitors. At the time that the present invention was made, it would have been obvious to create different classes for the project as it allows one to

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easily find the attributes that differentiate this product from its competitors. By allowing the important differentiating attributes to be easily seen, the product marketers and manufacturers can more accurately determine their market segment and how their product is perceived against the competition.

As per claim 6, Frost discloses the limitations of the method as recited in claim 4 further comprising the step of ranking each of said product attributes (see column 4, lines 45-48, the vehicle attributes are ranked by the user by showing a degree of preference with the attributes for the vehicle). Frost does not explicitly teach that the rank is related to each of the classes such that each of the attributes in the first class have a higher rank than each of the attributes in the second class and each of the attributes in the second class have a higher rank than each of the attributes in the third class. It would be obvious to one of ordinary skill in the art to have the ranking be related to the classes so that the attributes in each class have a higher ranking than the class before as it is a more efficient and user-friendly way to separate the classes. By separating the classes based on rank, a user can quickly find the most important and distinguishable attributes in a single class. At the time of the present invention, it would have been obvious for one to group in this way as many things are grouped based on rank. For example, schools are grouped based on their rank. In the same way, the schools with higher attribute ratings (or higher rank) all fall into a higher tier (or class) when compared to other schools.

(Amended) As per claim 10, Frost discloses the limitations of the method as recited in claim 1. Frost does not explicitly teach associating each of the product attributes with one of the four competitive levels wherein the step of associating each of said product attributes with a preferred competitive level with respect to said competitive set includes the step of prioritizing each product attribute in one of four levels, said first level representing a desire for the product attribute to be a leader (L) with respect to the competitive set, said second level representing a desire for the product attribute to be among the leaders (A) with respect to the competitive set, said third level representing a desire for the product attribute to be competitive (C) with respect to the competitive set, and said fourth level representing a desire for the product attribute to be minimally competitive (M) with respect to the competitive set. It is well known in the art to associate a product attribute with a competitive level. It would be obvious to one of ordinary skill in the art to create the different levels of competitiveness of the product in order to determine and prioritize the product's attributes. By placing the attributes in different competitive levels, one is better able to determine the advantages of their product and apply them to a specified market segment. At the time the invention was made it would have been obvious to create the levels to categorize the attributes as it is a user-friendly way to visualize the advantages as well as an accurate way to compare the product with its competition.

As per claim 17, Frost discloses all the limitations of a method as recited in claim 16 and the step of classifying vehicle attributes and using the attributes to represent

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different characteristics of the vehicle (see column 3, lines 35-45, the attributes of the product are from the two different groups: rational descriptors and emotional descriptors, which include stereotype and personality descriptors). However, Frost does not explicitly teach placing the vehicle attribute in one of three classes wherein said first class represents attributes which differentiate the vehicle from competing vehicles, said second class represents important vehicle attributes, but which do not differentiate the new vehicle from competing vehicles, and said third class represents otherwise desirable vehicle attributes. It would be obvious to one of ordinary skill in the art to create classes that represent the different vehicle attributes in the above manner as it explicitly separates the vehicle, based on its attributes, from its competitors. At the time of the present invention, it would have been obvious to create different classes for the vehicle as it allows one to easily identify the attributes that differentiate it from its competitors. By allowing the important differentiating attributes to be easily seen, the vehicle marketers and manufacturers can more accurately determine their market segment and how their vehicle is perceived against the competition.

As per claim 19, Frost discloses the limitations of the method as recited in claim 17 further comprising the step of ranking each of said vehicle attributes (see column 4, lines 45-48, the vehicle attributes are ranked by the user by showing a degree of preference with the attributes for the vehicle). Frost does not explicitly teach that the rank is related to each of the classes such that each of the vehicle in the first class have a higher rank than each of the vehicle attributes in the second class and each of the

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attributes in the second class have a higher rank than each of the vehicle attributes in the third class. However, it would be obvious to one of ordinary skill in the art to have the ranking be related to the classes. This is a more efficient and user-friendly way to separate the classes as it allows the vehicle attributes in each class have a higher ranking than the previous class. By separating the classes based on rank, a user can quickly find the most important and distinguishable attributes in a single class. At the time of the present invention, it would have been obvious for one to group attributes in this way as many things are grouped based on rank. For example, schools are grouped based on their rank. In the same way, the schools with higher attribute ratings (or higher rank) all fall into a higher tier (or class) when compared to other schools.

As per claim 23, Frost discloses all the limitations of the method as recited in claim 13. Frost does not explicitly teach the step of associating each of said vehicle attributes with a preferred competitive level with respect to said competitive set includes the step of prioritizing each vehicle attribute in one of four levels, said first level representing a desire for the vehicle attribute to be a leader (L) with respect to the competitive set, said second level representing a desire for the vehicle attribute to be among the leaders (A) with respect to the competitive set, said third level representing a desire for the vehicle attribute to be competitive (C) with respect to the competitive set, and said fourth level representing a desire for the vehicle attribute to be minimally competitive (M) with respect to the competitive set. It is well known in the art to associate a product attribute with a competitive level. It would be obvious to one of

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ordinary skill in the art to create the different levels of competitiveness of the product in order to determine and prioritize the product's attributes. By placing the attributes in different competitive levels, one is better able to determine the advantages of their product and apply them to a specified market segment. At the time the invention was made it would have been obvious to create the levels to categorize the attributes as it is a user-friendly way to visualize the advantages as well as an accurate way to compare the product with its competition.

As per claim 26, Frost discloses all the limitations of the method as recited in claim 16 wherein the step of classifying each of said attributes (see column 3, lines 35-45, the attributes about the product are from the two different groups: rational descriptors and emotional descriptors, which include stereotype and personality descriptors). However, Frost does not classify design attributes differently than usage experience attributes and driving experience attributes. It would be obvious to one of ordinary skill in the art to classify design attributes differently than usage and driving attributes as design attributes pertain to the way a person sees and feels about the non-functional aspects of the car, while usage and driving refer to the mechanical aspects of the car. At the time the invention was made, separating these two important attribute categories allows the vehicle marketers and manufacturers to more accurately determine what improvements they need to make on the car. This also allows the functional aspects to be evaluated independently of the appearance.

As per claim 27, Frost discloses all the limitations of the method as recited in claim 26 wherein the step of classifying each of said attributes includes the step of classifying each design attribute using a scale (see column 4, lines 45-48, the vehicle attributes are ranked by the user by showing a degree of preference with the attributes for the vehicle). Frost did not disclose a scale having more gradients than the classification scale for classifying usage experience attributes or driving experience attributes. It would be obvious to one of ordinary skill in the art to have a scale with more gradients for the usage and driving experience attributes as it would more accurately allow the vehicle manufacturers and marketers to determine successful and unsuccessful characteristics of the vehicle. Using a scale with gradients, also emphasizes the more important attributes. At the time the invention was made, it would have been obvious to use gradients as it increases the accuracy of the scale for the usage and driving attributes.

6. Claims 28-29, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost in view of Eisner.

As per claim 28, Frost discloses all the limitations of the method of developing product characteristics for a new automotive vehicle comprising the steps of:

generating a plurality of vehicle attributes, said plurality including at least attributes from each of the following groups of vehicle characteristics: usage

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experience, driving experience, and design (see column 3, lines 19-45, a plurality of vehicle attributes are generated);

providing target customer characteristics (see column 3, lines 35-45, the customer provides characteristics of the vehicle);

providing target vehicle image characteristics (see column 3, lines 35-45, the customer also provides vehicle image characteristics in terms of both physical and emotional descriptors); thereafter

generating a preferred vehicle brand position as a function of said vehicle attributes, said target customer characteristics, and said target vehicle image characteristics (see column 3, lines 44-45, and column 8, lines 11-25, a preferred product brand position is generated by the attributes); and

generating target vehicle objectives as a function of said vehicle attributes and said preferred vehicle brand position, said target vehicle objectives representing customer-driven and image-driven characteristics for each of said plurality of vehicle attributes to be incorporated into said new automotive vehicle (see column 3, lines 34-45, and column 6, lines 45-54, the product's characteristics are a function of its attributes and preferred brand, the characteristics represent customer-driven objectives for a plurality of product attributes).

Frost does not disclose providing a cross-function product team. However, Eisner discloses a cross-functional team (see page 315, the integrated product teams are comprised of management, marketing and sales, research and development, engineering, production, finance and accounting). It would be obvious to one of

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ordinary skill in the art at the time of the invention to have a cross-functional team that generates a vehicle brand position and objectives as it allows the entire team to easily communicate and share ideas and avoid potential problems.

As per claim 29, Frost discloses all the limitations of the method as recited in claim 28 wherein the step of providing target customer characteristics comprises the step of providing a brand positioning summary (see column 3, lines 44-45, and column 8, lines 11-25, the product attributes are given by the customer, they are the characteristics that the customer associates with a particular brand).

As per claim 33, Frost discloses all the limitations of the method as recited in claim 28. Frost does not teach of a cross-functional product team that includes at least one member from each of the following corporate departments: vehicle program management, marketing, purchasing, finance, engineering, and design. It is well known in the art to create teams for marketing purposes. These teams would include people from the vehicle program management, marketing, purchasing, finance, engineering, and design. It would be obvious to one skilled in the art to have all these different types of people on a cross-functional product team as it allows people from the various groups in the company to combine expertise in producing the vehicle. It would have been obvious at the time of the invention to have a cross-functional product team as it uses expertise from all areas of the company.

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7. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost in view of Eisner in further view of McCarthy et al.

As per claim 30, Frost and Eisner disclose all the limitations of the method as recited in claim 29. Frost discloses target customer defining characteristics (see column 3, lines 35-45, 'the customer provides characteristics of the vehicle). Frost does not explicitly teach of a brand-positioning summary. McCarthy explicitly teaches of a brand positioning summary which includes target customer defining characteristics, target customer selection rationales, a summary of the new vehicles' role in the product portfolio, a competitive assessment, enduring reasons why a customer may purchase the new vehicle, and pricing considerations (see chapter 3). It would be obvious to one of ordinary skill in the art to create a brand positioning summary, as customer characteristics, customer selection rationales, product portfolio, competitive assessment, purchase reasons, and pricing considerations are all common features of determining how and if a product should be marketed to the public. One of ordinary skill in the art would have included a brand-positioning summary as it allows a company to identify their market. At the time that the invention was made, it would have been obvious to include a brand position summary as it summarizes all of the important characteristics of the product including its most important attributes. This allows someone to quickly and accurately determine the type of product and the market segment.

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As per claim 31, Frost and Eisner disclose all the limitations of the method as recited in claim 28 and the step of providing target vehicle image characteristics. However, Frost does not teach the step of providing a brand bulls eye. McCarthy et al. teaches placing data characteristics in a bulls eye formation (see page 47). It would be obvious for one skilled in the art to place the brand information in a bulls eye format as it is a common format for depicting information pictorially. At the time the invention was made it would have been obvious for one to use the bulls eye to show brand information as it is a user-friendly format and clearly emphasizes important vehicle image characteristics.

Applicant's Arguments

8. The applicant argues that Frost does not teach 1) "identifying a competitive set of products, and associating each of said product attributes with a preferred competitive level with respect to said competitive set" and states that Frost does not take a specific set of product attributes to classify and generate a preferred product brand position and that Frost is more concerned with the consumer's likely reception or acceptance of a product attribute than with a product's position vis-à-vis its competitors; 2) in claim 10 and 23, a preferred competitive level of "specific preferred competitor levels" such as category leader and among the leaders and competitively positioned; 3) in claims 2, 3, 14, and 15, "putting an attribute in context for an item or group of items or for providing a more detailed definition for the attribute"; 4) in claim 7 and 20, "generating a primary brand position for the new product as a function of the product attributes"; 5) in claims 4, 6, 17, and 19, "discussion regarding competitive analysis" and " ranking of the attributes vis-à-vis competitive products"; 6) in claims 6 and 19, ranking the attributes; 7) in claims 26 and 27, a different scale; and 8) in claim 29, brand positioning or a brand positioning summary.

In response to applicant's argument 1), Frost does identify a competitive set of products the attributes of each of the products as consumers not only state attributes that are relevant to that particular product, but also compare the product with others. As shown in column 4, lines 34-50, the consumers evaluate each attribute and "express it

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as a preference for one item relative to another". Expressing a preference for one item relative to another is the same as giving the items a competitive level with respect to another competitive set or product. Frost's attributes do define a specific set of product attributes that classify and generate a preferred product brand position. As the perfume examples show, as discussed throughout and again in column 11, lines 15-34, the attributes are summed together and they create a preferred product brand position. Also, as stated above, Frost is concerned with the product's position vis-à-vis its competitors as seen in column 4, lines 34-50, and again in column 6, lines 45-62.

In response to 2), Frost does disclose the idea of ranking attributes and competition among the different products. In column 6, lines 45-62, Frost discloses that there is competition among the items. Then in column 8, lines 40-68, the attributes are weighted and ranked. Frost discloses the different competitive levels through the rankings of the products and their attributes.

In response to 3), Frost discloses in column 3, lines 35-45, and column 7, lines 29-54, that there are a plurality of product attributes. The attribute list was condensed to form a smaller group of attributes or characteristics that describe the product. These attributes together describe characteristics of a product. If the applicant misunderstood the attribute term, it would be obvious for one to provide a detailed definition for the attribute as it allows one to better classify the characteristics of the product.

In response to 4), Frost is using the consumers to generate a primary brand position for the new product as he discloses the ranking and weighting of product attributes by the consumers. As shown in column 8, lines 40-68, the attributes stated by

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the consumers are ranked and weighted in order to determine a desirable product image.

In response to 5), Frost discloses comparing and ranking the attributes vis-à-vis competitive products in column 8, lines 40-68. As shown in figure 4a, the all the numbers represent competing products, in this example, automobiles, and each displays it's ranking as a subscript.

In response to 6), Frost does disclose the ranking the attributes in column 8, lines 40-68. In response to 7), Frost discloses the idea of weighting the attributes. If the attributes are weighted, then they can be on different scales.

In response to 8), Frost does disclose in column 3, lines 44-45, and column 8, lines 11-25, the product attributes are given by the customer. These attributes are the brand position as they are the characteristics that the customer associates with that particular brand.

The applicant argues that Frost and McCarthy do not teach the invention. The applicant sates that they never received the McCarthy reference, however, the applicant is reminded that the McCarthy reference along with a copy of USPT Form 892 Notice of References cited was faxed to the applicant May 28th, 2002. Therefore, the applicant only partially addressed the 103 argument put forth by the examiner and the applicant's arguments are not found persuasive.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Summer (P.N. 6,236,955) discloses a management training simulation using product characteristics, values, and competitive markets

Nancy Leonard and Sandra Morgan in "Developments in Business Simulation and Experimental Learning" disclose market segments and attributes.

Conclusion

10. No claims are allowed.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rebecca Bachner** whose telephone number is 703-305-1872. The examiner can normally be reached on Monday - Friday from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703)305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 305-7687 Official communications; including After Final
communications labeled "Box AF"


(703) 746-7306 Informal/Draft communications, labeled "PROPOSED" or "
DRAFT"

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RMB

RMB

Aug 1, 2002


TARIQ R. HAFIZ
SUPERVISORY/PATENT EXAMINER
TECHNOLOGY CENTER 3600